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EDWARD ZINKER, P.C.  
JEFFREY HERZBERG, P.C.

July 31, 2015

The Honorable A. Kathleen Tomlinson  
United States Magistrate Judge  
United States District Court  
Eastern District of New York  
100 Federal Plaza  
Central Islip, New York 11722

Re: Yupa v. Country Stone & Fence Corporation and Jose Inga  
Docket No. 14-cv-7384

Your Honor:

Pursuant to Your Honor's oral directive at the conference held yesterday, July 30, 2015, in the above-referenced action, the following cases are examples that the \$500,000 threshold is governed only during the dates of the purported employment by the plaintiff:

- a. Pan v. Wei Plumbing, Inc., 2013 U.S. Dist. LEXIS 163788 (S.D.N.Y. 2013).
- b. Cabral v. Lakes Café Sports Bar & Grill, Inc., 2010 U.S. Dist. LEXIS 31326 (S.D. Fla. 2010).
- c. Russell v. Continental Restaurant, Inc., 430 F.Supp.2d 521, 2006 U.S. Dist. LEXIS 29823 (D. Md. 2006).

Thank you for the opportunity to provide the above-referenced cases to you.

Respectfully submitted,

/s/ Jeffrey Herzberg  
Jeffrey Herzberg

cc. James A. Vagnini, Esq. by email